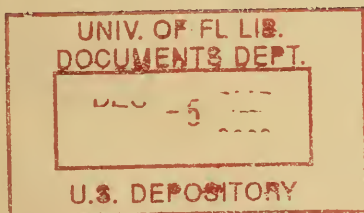


NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION
FOR THE
WARM AIR FURNACE
MANUFACTURING INDUSTRY

AS APPROVED ON JUNE 27, 1934



UNITED STATES
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Approved Code No. 137—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

WARM AIR FURNACE MANUFACTURING
INDUSTRY

As Approved on June 27, 1934

ORDER

APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE WARM
AIR FURNACE MANUFACTURING INDUSTRY

An application having been made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of amendments to a Code of Fair Competition for the Warm Air Furnace Manufacturing Industry, and hearings having been duly held thereon and the annexed report on said amendments, containing findings with respect thereto, having been made and directed to the President.

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate, by reference, said annexed report and do find that said amendments and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said title of said Act, and do hereby order that said amendments be and they are hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Acting Division Administrator.

WASHINGTON, D.C.,
June 27, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,

The White House.

SIR: This is a report on amendments of the Code of Fair Competition for the Warm Air Furnace Manufacturing Industry as revised after a Public Hearing conducted in Washington, D.C., on May 24, 1934, in accordance with the provisions of the National Industrial Recovery Act.

Amendment No. 2 provides for the incorporation of the Code Authority. Amendments No. 4 and No. 5 prevent customers from being misled. Amendment No. 7 provides for collection of funds by the Code Authority for administration purposes.

The Deputy Administrator in his final report to me on said amendments to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendments to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendments on behalf of the industry as a whole.

(d) The amendments and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendments and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendments.

For these reasons, therefore, I have approved these amendments to the Code of Fair Competition for the Warm Air Furnace Manufacturing Industry.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JUNE 27, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE WARM AIR FURNACE MANUFACTURING INDUSTRY

AMENDMENT No. 2

Amend Article IV, Section 1, by adding the paragraph, "The Code Authority of the Warm Air Furnace Manufacturing Industry may incorporate under the laws of any state of the United States or of the District of Columbia, or may assume or adopt such existing corporate form under any of such laws as it may deem appropriate for the proper performance of its activities, powers and duties hereunder, such corporation or corporate form to be not for profit and to be known as "Code Authority of the Warm Air Furnace Manufacturing Industry, Incorporated"; provided that the powers, duties, objects and purposes of the said corporation shall, to the satisfaction of the Administrator, be limited to the powers, duties, objects and purposes of the Code Authority of the Warm Air Furnace Manufacturing Industry as provided in this Code; provided, further, that the existence of the said corporation shall be during the term of the Code; and provided, further, that the certificate of incorporation and by-laws and amendments to either shall be subject to the approval of the Administrator.

If at any time, the Administrator shall determine that the corporate status assumed by the Code Authority is interfering with the proper exercise of its powers and duties under this Code, or with the effectuation of the policies or purposes of the Act, he may, after such notice and hearing as he may deem necessary, require an appropriate modification of the structure of the Corporation (if consistent with the law of the State of Incorporation), the substitution of the corporation created under the laws of another State in the same manner as the existing Code Authority, the substitution of a non-corporate Code Authority truly representative of the Industry or such other actions as he may deem expedient."

AMENDMENT 4

Amend Article III by adding after Section 1 (l) a new Section number 1 (m) as follows:

"1 (m) Publishing firepot measurements which do not represent the true inside diameter of the firepot at the top, unless the manufacturer chooses to publish a measurement taken at some other point, in which event the exact point where such measurement was taken, shall be designated. A tolerance of one percent shall be allowed in the publication of any measurements pursuant to the foregoing."

AMENDMENT 5

Amend Article III by adding after Section 1 (m) as prescribed in Amendment 4 a new Section number 1 (n) as follows:

"1 (n) Publishing a rating in terms of square inches of warm air leader pipe area for any furnace, unless such rating has been computed according to the furnace rating formula contained in the Standard Code published by the National Warm Air Heating and Air Conditioning Association, except that a manufacturer may publish a different rating provided he specifically states in his literature that such rating is not a Standard Code rating."

AMENDMENT 7

Amend Article V by striking out Section 2 (c) and inserting in lieu thereof the following:

"SECTION 2. (c) It being found necessary in order to support the administration of this code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(1) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

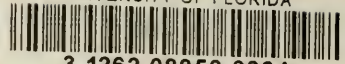
(2) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry;

(3) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the industry; and to that end, if necessary, to institute legal proceedings therefor in its own name.

Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator first obtained; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved."

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